

1 Morgan E. Smith (SBN 293503)  
2 morgan.smith@finnegan.com  
3 Matthew Samet (SBN 311865)  
4 matthew.samet@finnegan.com  
5 **FINNEGAN, HENDERSON, FARABOW,  
6 GARRETT & DUNNER, LLP**  
7 3300 Hillview Avenue  
8 Palo Alto, California 94304  
9 Telephone: (650) 849-6600  
10 Facsimile: (650) 849-6666  
11  
12 B. Brett Heavner (*pro hac vice*)  
13 b.brett.heavner@finnegan.com  
14 Jonathan Uffelman (*pro hac vice*)  
15 Jonathan.uffelman@finnegan.com  
16 Yinfai Wu (*pro hac vice*)  
17 Yinfai.wu@finnegan.com  
18 **FINNEGAN, HENDERSON, FARABOW,  
19 GARRETT & DUNNER, LLP**  
20 901 New York Avenue NW  
21 Washington, DC 20001  
22 Telephone: (202) 408-4000  
23 Facsimile: (202) 408-4400

24  
25  
26  
27  
28

12 *Attorneys for Plaintiffs and Counterclaim*  
13 *Defendants Shenzhen Big Mouth Technologies*  
14 *Co., Ltd. and Decai (Tony) Fu*

1 Elizabeth G. Borland (*pro hac vice*)  
2 [eborland@sgrlaw.com](mailto:eborland@sgrlaw.com)  
3 Richard D. Rivera (*pro hac vice*)  
4 [rrivera@sgrlaw.com](mailto:rrivera@sgrlaw.com)  
5 **SMITH, GAMBRELL & RUSSELL, LLP**  
6 1105 W. Peachtree Street, #1000  
7 Atlanta, GA 30309  
8 Tel. 404-815-3645

9 Gregg A. Rapoport (SBN 136941)  
10 [grapoport@sgrlaw.com](mailto:grapoport@sgrlaw.com)  
11 **SMITH, GAMBRELL & RUSSELL, LLP**  
12 444 South Flower Street, Ste. 1700  
13 Los Angeles, CA 90071-2901  
14 Tel. 213-358-7220; Fax 213-358-7320

15 *Attorneys for Defendant and Counterclaim*  
16 *Plaintiff Factory Direct Wholesale, LLC*

17 SHENZHEN BIG MOUTH TECHNOLOGIES  
18 CO., LTD. and DECAI (TONY) FU,

19 Plaintiffs and Counterdefendants,  
20 vs.  
21 FACTORY DIRECT WHOLESALE, LLC,  
22 Defendant and Counterclaimants.

23 Case No.: 3:21-cv-09545-RS  
24 Hon. Richard Seeborg

25 **STIPULATION AND ORDER TO  
26 CONTINUE HEARING AND CASE  
27 MANAGEMENT CONFERENCE AND  
28 RELATED DEADLINES**

1 WHEREAS, the Complaint in the above-captioned matter was filed on December 9, 2021 by  
2 Plaintiffs SHENZHEN BIG MOUTH TECHNOLOGIES CO., LTD. (“Big Mouth”) and DECAL  
3 (TONY) FU (together, “Plaintiffs”) against Defendant FACTORY DIRECT WHOLESALE, LLC  
4 (“Defendant”);

5 WHEREAS, Defendant filed a Motion for Judgment on the Pleadings as to Count I on April  
6 28, 2022 (ECF 40), the hearing date for which is June 16, 2022;

7 WHEREAS, on May 10, 2022, the Court continued the Case Management Conference in this  
8 action to July 28, 2022 and the deadlines for filing a joint case management conference statement  
9 and exchanging initial disclosures to July 21, 2022 (ECF 44);

10 WHEREAS, the parties have very recently engaged in settlement discussions which appear  
11 promising; and

12 WHEREAS, the parties agree that in light of their ongoing settlement discussions, it would  
13 serve the interests of judicial economy to continue the June 16<sup>th</sup> hearing, the July 21<sup>st</sup> deadlines, and  
14 the July 28<sup>th</sup> Case Management Conference by at least thirty (30) days.

15 NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned  
16 parties, through their counsel of record, and subject to approval by this Court, that the June 16, 2022  
17 hearing on Plaintiffs’ Motion for Judgment on the Pleadings as to Count I, the July 21, 2022  
18 deadlines, and the July 28, 2022 Case Management Conference each be continued by at least thirty  
19 (30) days to dates convenient for the Court.

20 Dated: June 2, 2022

21 **SMITH, GAMBRELL & RUSSELL, LLP**

22 By: /s/ Gregg A. Rapoport  
23 Gregg A. Rapoport  
Elizabeth G. Borland  
Richard D. Rivera  
24 Gregg A. Rapoport

25 Attorneys for Defendant and Counterclaimant  
26 FACTORY DIRECT WHOLESALE, LLC

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Dated: June 2, 2022

**FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP**

By: /s/ Matthew Samet  
Matthew Samet

Attorneys for Plaintiffs and Counterdefendants  
SHENZHEN BIG MOUTH TECHNOLOGIES CO.,  
LTD. and DECAI (TONY) FU

**CERTIFICATION (L.R. 5-1(h))**

The undersigned hereby certifies that each of the signatories to the foregoing document have concurred in the filing of the document.

Dated: June 2, 2022

**SMITH, GAMBRELL & RUSSELL, LLP**

By: /s/ Gregg A. Rapoport  
Gregg A. Rapoport  
Elizabeth G. Borland  
Richard D. Rivera  
Gregg A. Rapoport

Attorneys for Defendant and Counterclaimant  
FACTORY DIRECT WHOLESALE, LLC

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## ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The hearing on Plaintiff's Motion for Judgment on the Pleadings as to Count I is hereby continued to: August 4, 2022 at 1:30 pm.

The deadline for filing a joint case management conference statement is hereby continued to:  
September 8, 2022.

The Case Management Conference is hereby continued to:

September 15, 2022 at 10:00 am

SO ORDERED.

DATED: June 2 , 2022

  
HON. RICHARD SEEGERS

HON. RICHARD SEEBORG  
CHIEF UNITED STATES DISTRICT JUDGE

**SMITH, GAMBRELL & RUSSELL, LLP**  
4444 SOUTH FLOWER STREET, SUITE 1700  
LOS ANGELES, CALIFORNIA 90071  
TELEPHONE: 213 358-7200